



Indiana Department of Environmental Management

Protecting Hoosiers and Our Environment Since 1986



Indiana Confined Feeding Program

Fall 2017



Indiana Confined Feeding Operations (CFO) History

- ★ **1971** – IC 13-18-10 Confined Feeding Control Law established the Indiana Confined Feeding Operation (CFO) regulatory program via the State Board of Health prior to creation of IDEM.

- ★ **2001** – IDEM adopted the first CFO and CAFO regulations:
 1. 327 IAC 16 Confined Feeding Operation Rule
 2. 327 IAC 5-4-3 Individual NPDES Permit Rule
 3. 327 IAC 15-15 General NPDES Permit Rule



Indiana CFO History (cont.)

- ★ **2011** – Revised CFO and CAFO rules adopted following 2008 federal appeals court ruling that non-discharging CAFOs did not need an NPDES (discharge) permit.
 1. 327 IAC 19 (CFOs) and
 2. 327 IAC 15-16 (discharging CAFOs)
- Allowed CAFOs not discharging to exit the CAFO NPDES permit and operate under CFO rule.
- Imposed the same standards on our CFO sized farms as we had for our CAFO sized farms under previous rules.
- **2012** – New CFO and CAFO Rules in effect on 7/1/12.
- **2014** – Senate Enrolled Act 359 to develop 5-year permit cycle and clarified ability to move from construction to operating if less than 5 years.
- **2017** – Legislation offered to address issues in the rule.



What is a Confined Feeding Operation (CFO)?

Type	Threshold Number of Animals
Cattle*	300
Swine	600
Poultry	30,000
Horses	500

*Cattle means all beef, mature dairy cows, dry dairy cows, calves, heifers, and veal calves.



What is a Concentrated Animal Feeding Operation (CAFO)?

Type	Threshold Number of Animals
Beef	1,000
Mature Dairy Cow	700
Swine > 55 lbs.	2,500
Swine < 55 lbs	10,000
Layers/Broilers Liquid Manure System	30,000
Broilers/Pullets Dry Manure System	125,000
Layers Dry Manure System	82,000
Horses	500



What Does U.S. EPA Regulate?

- Regulates nutrient management.
- Regulates storm water from manure-applied fields.
- Zero farms in NPDES program.
- No discharge program.



What Does IDEM Regulate?

- IDEM has oversight over design and construction – *more stringent than U.S. EPA.*
- Regulates nutrient management.
- Regulates storm water from manure-applied fields.
- No discharge program.



What Does IDEM Regulate? (cont.)

- Setbacks.
- Facility design and construction.
- Manure handling and storage.
- Clean storm water run-off diversion from manure and feed areas.
- Monitoring and record keeping (compliance).
- Closure of manure storage structures.



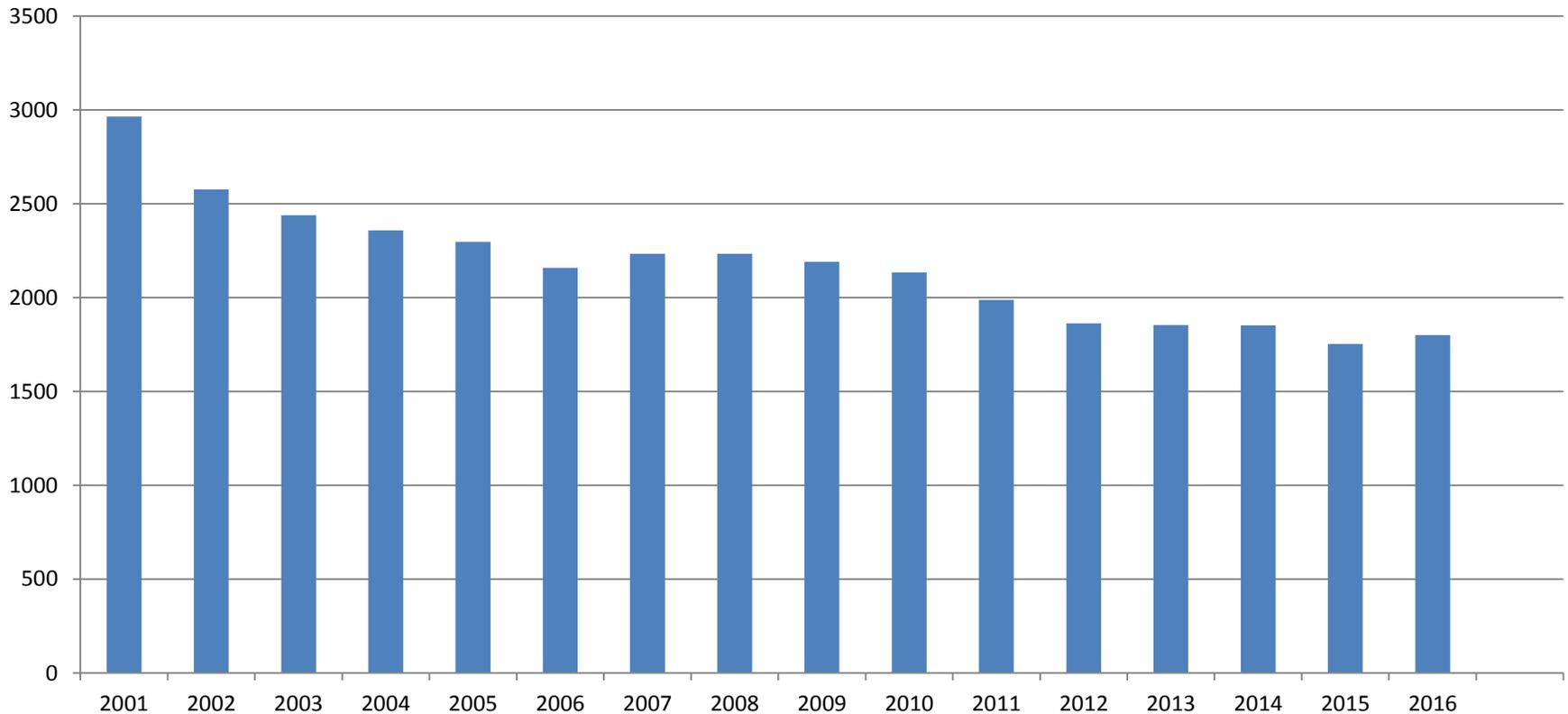
What IDEM Does NOT Regulate

- Disposal of dead animals (Indiana State Board of Animal Health)
- Local government decisions
- Property values
- Public road conditions
- Ground water usage
- Traffic
- Odors
- Vectors



Indiana CFO and CAFO Trends

Number of Regulated Farms





CAFO Major Changes in 2012

- Only farms with ongoing discharges need an NPDES permit. CAFOs that are not discharging chose to enter the CFO program instead.
- General NPDES permits are not available.
- Individual NPDES permits will require a Nutrient Management Plan.
- No surface application of manure to frozen or snow-covered ground unless authorized in the permit.
- There are zero NPDES CAFO permits in Indiana.



CFO Rule Major Changes in 2012

- Manure application rates are limited by nitrogen and phosphorus for new CFOs and CAFOs (200 ppm soil P is limit for these farms).
- CFOs and CAFOs constructed prior to 2/13/03 have 7 years to phase in adjusted rates.
- Farms must implement storm water management practices at the production site.
- Inspections of manure storage structures and freeboard markers (if applicable) on a weekly basis.



CFO Rule Major Changes in 2012 (cont.)

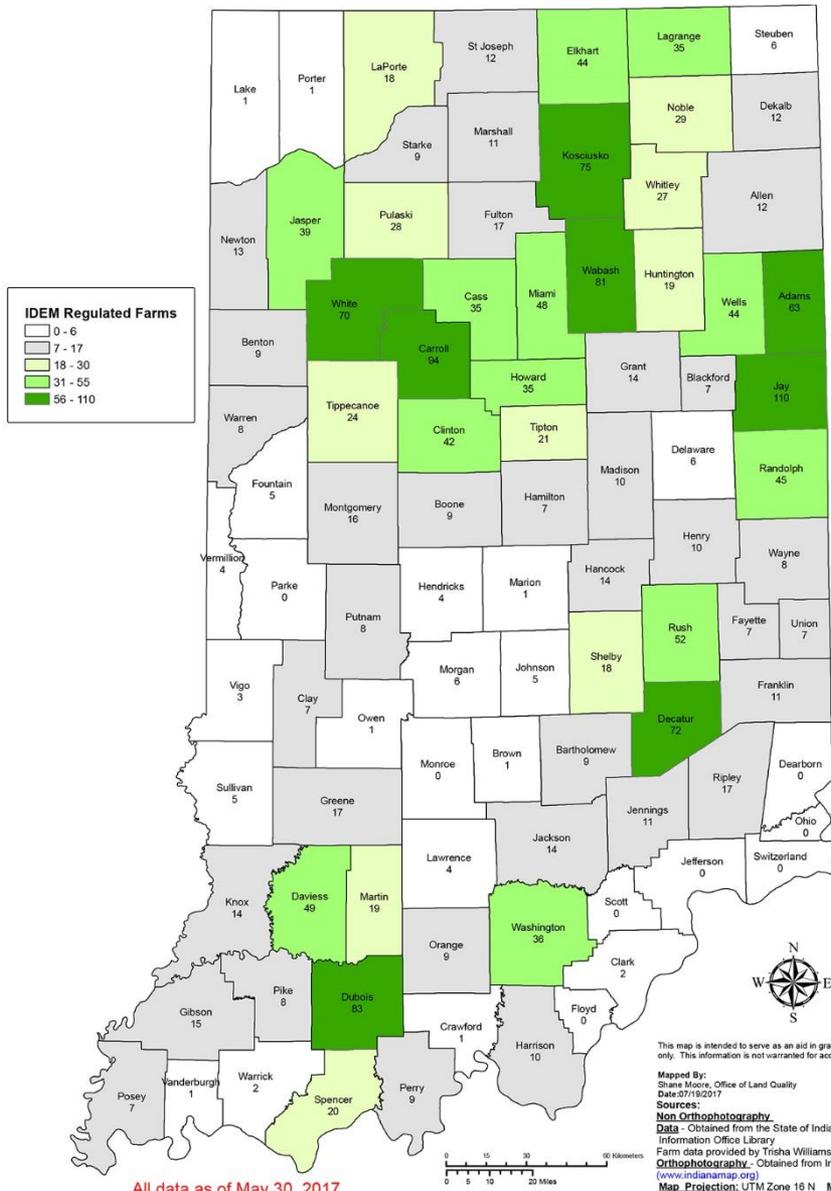
- Manure application to frozen or snow-covered ground is restricted.
- CAFOs may not surface apply manure to snow-covered or frozen ground (injection and incorporation still allowed).
- The rule provides emergency allowances for CFOs.
- CFOs with 120 days or less manure storage capacity can seek ongoing approval to apply to frozen or snow-covered ground.



CFO Rule Major Changes in 2012 (cont.)

- When construction is complete, new liquid manure storage structures must be certified by a registered professional engineer.
- The rule includes requirements for ground water monitoring in limited cases where site conditions warrant monitoring ground water quality.
- Manure testing must be conducted annually.
- Soil testing must be done once every four years.

IDEM Regulated Farms Per County



1,815 Total Farms:

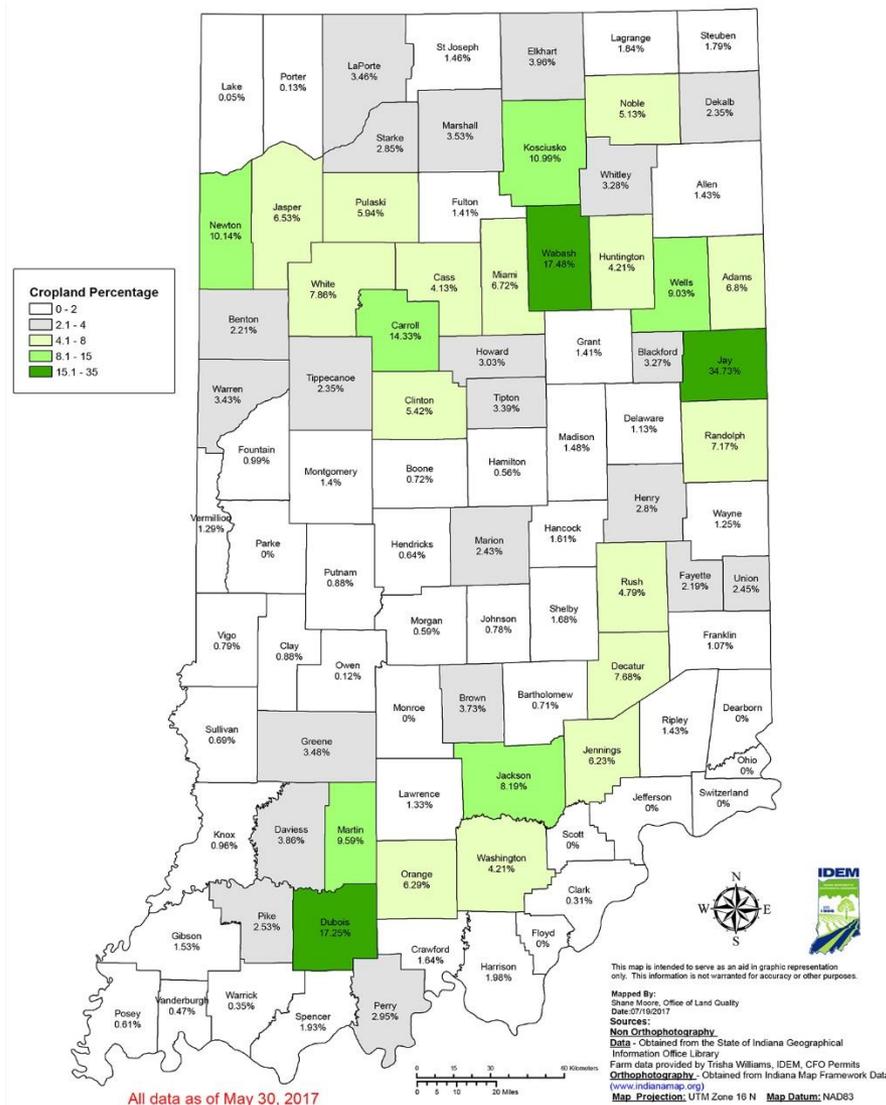
- 1,019 CFO Sized Farms
- 796 CAFO Sized Farms

All data as of May 30, 2017

This map is intended to serve as an aid in graphic representation only. This information is not warranted for accuracy or other purposes.

Mapped By:
Shane Moore, Office of Land Quality
Date: 07/18/2017
Sources:
Non Orthophotography
Data - Obtained from the State of Indiana Geographical Information Office Library
Farm data provided by Trisha Williams, IDEM, CFO Permits
Orthophotography - Obtained from Indiana Map Framework Data (www.indianamap.org)
Map Projection: UTM Zone 16 N Map Datum: NAD83

Percent of Cropland Acres Needed for Land Application





Permitting Process

- Application types
 - New site or existing site without approval
 - Expansion
 - Reauthorization of an expired permit
 - Renewal of existing approval
 - Amendment of approval
 - Facility Change
 - Transfer of Ownership



Permitting Process (cont.)

1. New or existing site without previous approval, or reauthorization (5-year term)
 - A. Permit Manager review
 - i. Application completeness, notification requirements, good character review, Manure Management Plan, spreading acres. Serves as contact for the application process for the applicant, consultant, and public.
 - B. Engineering Review
 - C. Geology Review
 - D. 33-day comment period
 - E. Decision within 90 days



Permitting Process (cont.)

2. Renewal Application (5-year term)
 - A. Project manager reviews application for:
 - i. Completeness
 - ii. File review to assure no operational changes needing an amendment or new application
 - iii. Prepares approval
 - iv. Decision within 30 days (*if no deficiencies*)
 - B. Compliance status is determined before any renewal is issued.



Permitting Process (cont.)

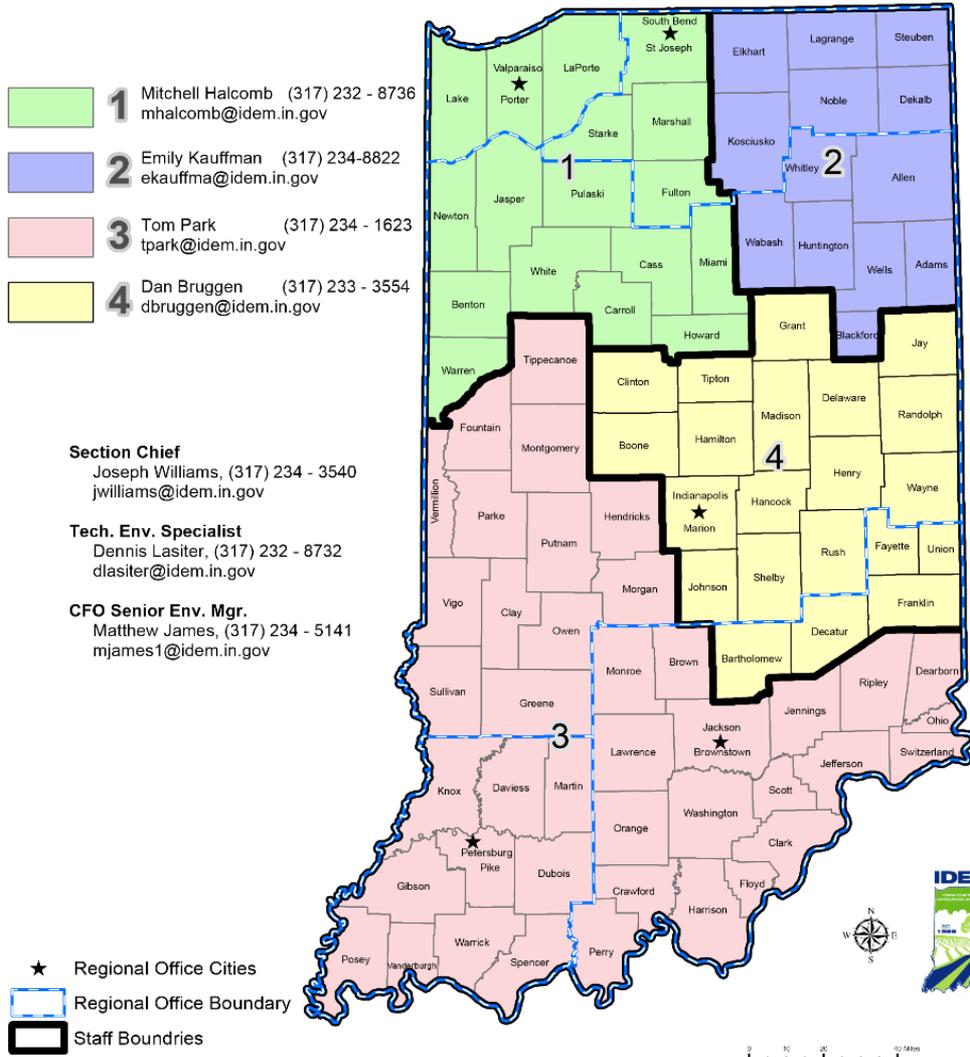
3. Amendment Application (does not extend term)
 - A. Project manager reviews application for:
 - i. Completeness
 - ii. File review to assure application meets requirements to amend – change in manure production or animal numbers (in no instance is storage allowed to be reduced below required levels)
 - iii. Prepares approval
 - iv. Prepares mailing list to ½ mile list and any commenters
 - v. Decision within 45 days



Permitting Process (cont.)

4. Facility Change (does not extend term)
 - A. Project manager reviews application for:
 - i. Completeness and if meets Facility Change requirements:
 - a) If change does not meet Facility Change, it is determined whether changes require an Amendment or Expansion Application and returns application to applicant with instructions.
 - b) If meets requirement proceeds to ii.
 - ii. If engineering change, refers to engineering for review
 - iii. Prepares letter of approval
 - iv. Decision within 10 days

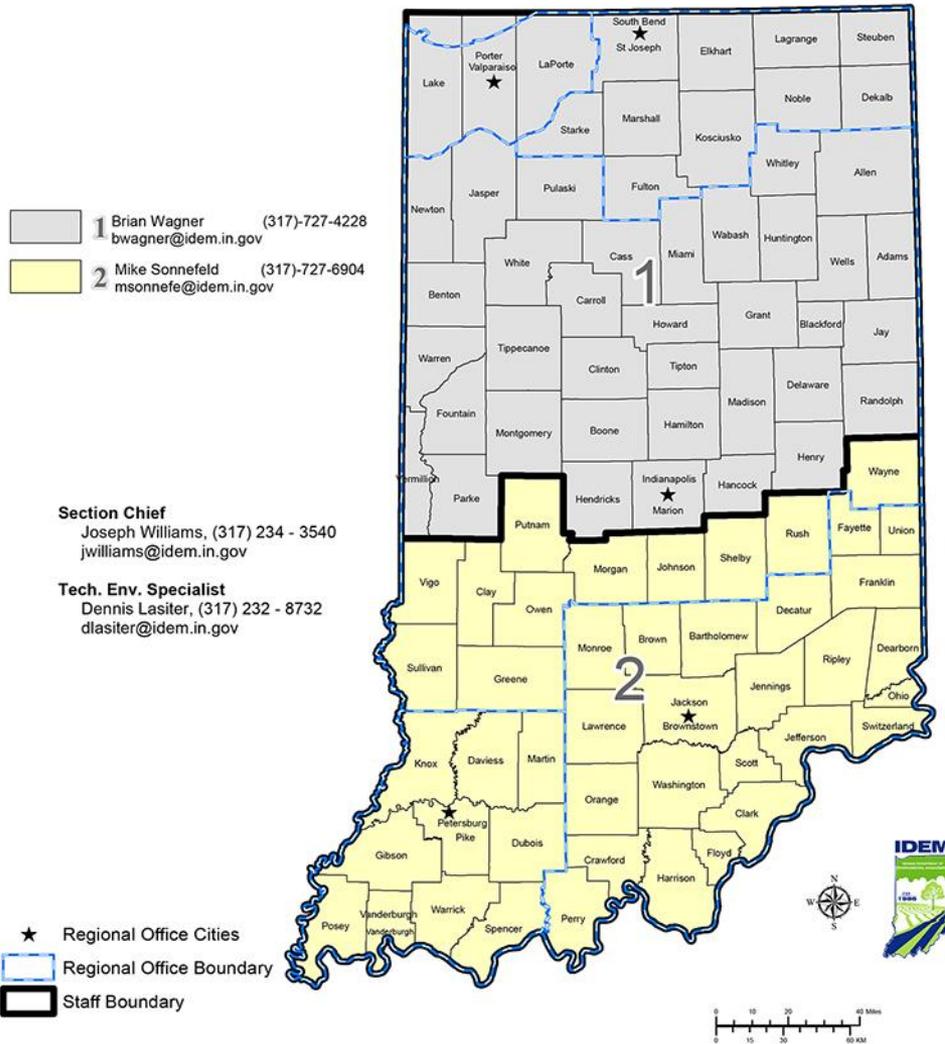
Confined Feeding Permitting Staff



1,818 Total Farms

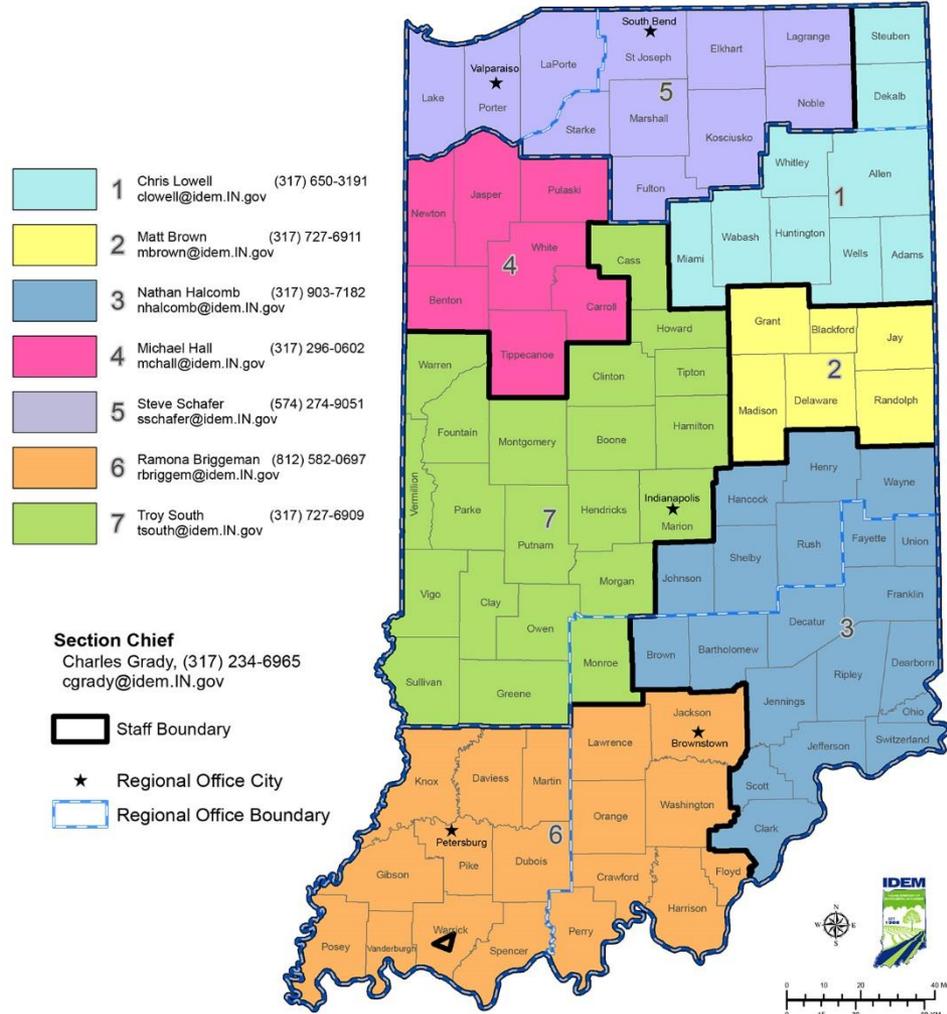
- 1,019 CFOs
- 796 CAFOs

CFO & Solid Waste Technical Compliance Staff



109 construction permits issued in 2016

Confined Feeding Operations (CFO) Compliance Staff





Compliance Information

- 7 inspectors.
- 703 compliance inspections conducted in FY16.
- Staff provides a 6 month compliance assistance visit after the facility is in operation.
- A routine visit is conducted one time every five years.



IDEM Contact Information



Confined Feeding Operations Permits
IDEM – Office of Land Quality
100 N. Senate Ave., IGCN 1100
Indianapolis, Indiana 46204-2251

(317) 232-4473

(800) 451-6027 (press 6 and ask
for the CFO Permits Section)

To report a spill, call the IDEM
24-hour spill line at (888) 233-7745
www.idem.IN.gov/cleanups/2352.htm



For More Information

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